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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/687,418	10/16/2003	William E. Welnick	33692.03.3199	7981

23418 7590 01/09/2007
VEDDER PRICE KAUFMAN & KAMMHOLZ
222 N. LASALLE STREET
CHICAGO, IL 60601

EXAMINER

MILLER, BRANDON J

ART UNIT	PAPER NUMBER
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2617

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	01/09/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/687,418

Applicant(s)

WELNICK ET AL.

Examiner

Brandon J. Miller

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 November 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,4-6,8-11,13,14,17,19 and 22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,4-6,8-11,13,14,17,19 and 22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 11/30/2006 has been entered.

Response to Amendment

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 4-6, 8-11, 13-14, 17, 19 and 22 are rejected under 35 U.S.C. 102(e) as being anticipated by Soliman (US 2003/0060201 A1).

Regarding claim 1 Soliman teaches a circuit for producing a pilot strength measurement message (see paragraph [0051]). Soliman teaches a pilot strength measurement message generator operative to receive long term filtered measurement data corresponding to at least one pilot signal, and in response, operative to produce the pilot strength measurement message including at least the received long term filtered measurement data (see paragraphs [0051] and FIG. 3). Soliman teaches wherein at least one pilot signal includes at least one of an active set of

pilot signals and a candidate set of pilot signals (see paragraphs [0052] & [0053]). Soliman teaches the pilot strength measurement message includes at least short term filtered measurement data based on at least one of a number of pilot signals in the active set, and a number of pilot signals in the candidate set (see paragraph [0068]).

Regarding claim 4 Soliman teaches wherein the pilot strength measurement message generator is also operative to receive short term filtered measurement data corresponding to the at least one pilot signal (see paragraphs [0051] & [0059]). Soliman teaches wherein the pilot strength measurement message includes at least the long term filtered measurement data if the strongest pilot signal represented by corresponding long term filtered measurement data is greater than a threshold (see paragraphs [0060] & [0062] – [0063]).

Regarding claim 5 Soliman teaches wherein the threshold includes a drop threshold plus 3db (see paragraphs [0065] & [0072] and FIG. 5).

Regarding claim 6 Soliman teaches a wireless device for producing a pilot strength measurement message (see paragraph [0051]). Soliman teaches a first receiver operative to receive at least one pilot signal, operative to generate long term filtered measurement data corresponding to the at least one pilot signal (see paragraphs [0046] & [0051] and FIG. 3, element 254 relates to first receiver). Soliman teaches a second receiver operative to also receive the at least one pilot signal, and in response operative to generate short term filtered measurement data corresponding to the at least one pilot signal (see paragraphs [0046] & [0051] and FIG. 3, element 256 relates to second receiver). Soliman teaches a pilot strength measurement message generator, operatively coupled to the first receiver and to the second receiver, and operative to produce the pilot strength measurement message including at least the

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long term filtered measurement data received from the first receiver (see paragraphs [0046] & [0051] and FIG. 3). Soliman teaches wherein the pilot strength measurement message includes at least short term filtered measurement data if a strongest pilot signal represented by corresponding long term filtered measurement is less than a threshold (see paragraphs [0065] & [0069]).

Regarding claim 8 Soliman teaches wherein at least one pilot signal includes at least one of an active set of pilot signals and a candidate set of pilot signals (see paragraphs [0052] & [0053]). Soliman teaches wherein the pilot strength measurement message includes at least short term filtered measurement data based on at least one of a number of pilot signals in the active set, and a number of pilot signals in the candidate set (see paragraphs [0057] & [0068]).

Regarding claim 9 Soliman teaches wherein the pilot strength measurement message includes at least the long term filtered measurement data if th strongest pilot signal represented by corresponding long term filtered measurement data is greater than a threshold (see paragraphs [0060] & [0062] – [0063]).

Regarding claim 10 Soliman teaches a device as recited in claim 5 and is rejected given the same reasoning as above.

Regarding claim 11 Soliman teaches a wireless device for producing a pilot strength measurement message (see paragraph [0051]). Soliman teaches a plurality of finger receivers each operative to receive at least one of an active pilot signal and a candidate pilot signal, and in response, operative to generate corresponding long term filtered measurement data (see paragraphs [0053] and FIG. 3). Soliman teaches a scan search receiver also operative to receive the at least one of the active pilot signal and the candidate pilot signal, and in response, operative

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to generate corresponding short term filtered measurement data (see paragraph [0057]). Soliman teaches a pilot strength measurement message generator, operatively coupled to the plurality of finger receivers and to the scan receiver, and operative to produce the pilot strength measurement message including the long term filtered measurement data if a strongest pilot signal is represented by corresponding long term filtered measurement data generated by at least one of the plurality of finger receivers is greater than a threshold (see paragraphs [0060] & [0062] – [0063]). Soliman teaches wherein the pilot strength measurement message includes at least the long term filtered measurement data from the respective plurality of finger receivers if the strongest pilot signal represented by the long term filtered measurement data is less than the first threshold and greater than a second threshold (see paragraphs [0061] – [0065]). Soliman teaches if at least one of a number of candidate pilots is greater than three, and number of active pilots is greater than one, otherwise, the pilot strength measurement message includes at least the short term filtered measurement data (see paragraph [0061] – [0065] & [0075]).

Regarding claim 13 Soliman teaches a device as recited in claim 5 and is rejected given the same reasoning as above.

Regarding claim 14 Soliman teaches a method for producing a pilot strength measurement message (see paragraph [0051]). Soliman teaches receiving the long term filtered measurement data corresponding to at least one of a plurality of pilot signals, and short term filtered measurement data corresponding to at least one of the plurality of pilot signals (see paragraphs [0051] & [0057]). Soliman teaches producing the pilot strength measurement message based on at least the long term filtered measurement data, in response to receiving the long term filtered measurement data corresponding to at least one of a plurality of pilot signals

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(see paragraph [0051]). Soliman teaches short term filtered measurement data corresponding to at least one of the plurality of pilot signals (see paragraph [0057]). Soliman teaches producing the pilot strength measurement message based on at least the short term filtered measurement data if a strongest pilot signal represented by corresponding long term filtered measurement data is less than a threshold (see paragraph [0065] & [0069]). Soliman teaches receiving an active set of pilot signals and a candidate set of pilot signals (see paragraphs [0057]). Soliman teaches the producing the pilot strength measurement message includes at least short term filtered measurement data based on at least one of a number of pilot signals in the active set, and a number of pilot signals in the candidate set (see paragraph [0068]).

Regarding claim 17 Soliman teaches a method for producing a pilot strength measurement message (see paragraph [0051]). Soliman teaches receiving a plurality of pilot signals; producing long term filtered measurement data corresponding to at least one of a plurality of pilot signals, and short term filtered measurement data corresponding to at least one of the plurality of pilot signals (see paragraphs [0051] & [0057]). Soliman teaches producing the pilot strength measurement message including at least the long term filtered measurement data, corresponding to at least one of a plurality of pilot signals, when a strongest pilot signal represented by long term filtered measurement data is greater than a threshold (see paragraph [0051] & [0060]). Soliman teaches receiving an active set of pilot signals and a candidate set of pilot signals (see paragraphs [0057]). Soliman teaches the producing the pilot strength measurement message includes at least one of the long term filtered measurement data and short term filtered measurement data, based on at least one of a number of pilot signals in the active set, and a number of pilot signals in the candidate set (see paragraph [0068]).

Regarding claim 19 Soliman teaches receiving an active set of pilot signals and a candidate set of pilot signals (see paragraph [0057]). Soliman teaches producing the pilot strength measurement message including at least the long term filtered measurement data when the strongest pilot signal represented by corresponding long term filtered measurement data is less than the first drop threshold and greater than the second threshold and at least one of when a number of candidate pilots is greater than one, and when a number of active pilots is greater than two (see paragraphs [0069] & [0075] – [0076]).

Regarding claim 22 Soliman teaches wherein the pilot strength measurement message generator is also operative to receive short term filtered measurement data corresponding to the at least one pilot signal (see paragraph [0051] & [0057]). Soliman teaches wherein the pilot strength measurement message further includes at least the short term filtered measurement data if a strongest pilot signal represented by corresponding long term filtered measurement is less than a threshold (see paragraphs [0065] & [0069]).

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 1 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 recites the limitation "the short term filtered measurement data" in line 9. There is insufficient antecedent basis for this limitation in the claim.

Response to Arguments

Applicant's arguments with respect to claims 1, 4-6, 8-11, 13-14, 17, 19 and 22 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Frank et al. Pub. No.: US 2005/0136963 A1 discloses a method and apparatus for optimal multiple beam transmit weightings for beam to beam handoff in a switched beam system.

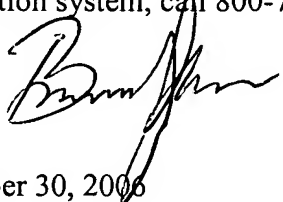
Sorokine et al. U.S. Patent No. 6,430,414 B1 discloses a soft handoff algorithm and wireless communication system for third generation CDMA systems.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brandon J. Miller whose telephone number is 571-272-7869. The examiner can normally be reached on Mon.-Fri. 8:00 am to 5:00 pm.

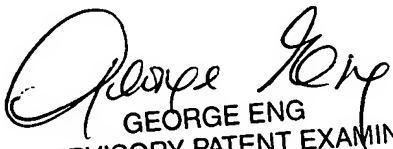
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, George Eng can be reached on 571-272-7495. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

A handwritten signature in black ink, appearing to be "B. J. Smith", written over the date "December 30, 2006".

December 30, 2006

A handwritten signature in black ink, appearing to be "George Eng", written above the printed name and title.

GEORGE ENG
SUPERVISORY PATENT EXAMINER